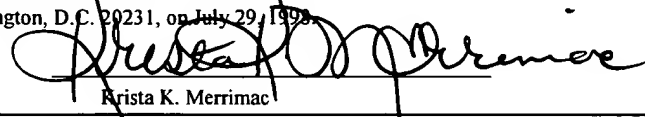


37C1

PATENT
Docket No. 251692003600

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on July 29, 1998.


Krista K. Merrimac

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OK
Done

In the application of:

Thomas A. Silvestrini

Serial No.: 08/993,946

Filing Date: December 18, 1997

For: CORNEAL IMPLANT METHODS AND
PLIABLE IMPLANT THEREFOR

Examiner: Not Assigned

Group Art Unit: 3738

RECEIVED
NOV 25 1998
Group 3700

REQUEST FOR REFUND

Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: Refund Section, Accounting Division Office of Finance

Dear Sir:

Enclosed are copies of an executed Verified Statement Claiming Small Entity Status (37 C.F.R. § 1.9(f)), an Application Transmittal dated December 18, 1997, and a Transmittal for Notice to File Missing Parts dated June 22, 1998.

In accordance with 37 C.F.R. § 1.28, a refund of \$573.00 is requested. When the patent application was filed on December 18, 1998, Deposit Account 03-1952 was charged the application fee of \$573.00 in error. As noted on page 2 of the Application Transmittal dated December 18, 1998, the checked box states:

- ☒ **If a paper is untimely filed in the above-referenced application by applicant or his/her representative, the Assistant Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely.** In the event a petition for extension of time is made under the provisions of this paragraph, the Assistant Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to **Deposit Account No. 03-1952**. However, the Assistant Commissioner is **NOT** authorized to charge the cost of the issue fee to the Deposit Account.

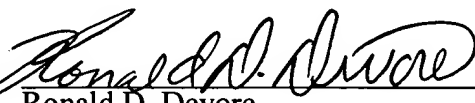
Due to the fact that a Petition for Extension was not required at the time the original application was filed, no fees should have been charged to the Deposit Account.

In addition, when the Reply to Notice to File Missing Parts was submitted (see attached Transmittal dated June 22, 1998), we were unaware at that time that Deposit Account 03-1952 had already been charged for the basic application fee and cost of claims for this application. A check for \$693.00 was submitted with the Missing Parts (which included in addition to the \$573.00, the \$55.00 for Petition for Extension of Time and the \$65.00 Missing Parts Surcharge). Therefore, Applicant respectfully requests a refund of \$573.00. This request is made within two months of payment of the fee as required under the rules.

Please credit same to our **Deposit Account No. 03-1952**.

Respectfully submitted,

Dated: July 29, 1998

By: 
Ronald D. Devore
Registration No. 39,958

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5720
Facsimile: (650) 494-0792

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Krista K. Merrimac

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For: CORNEAL IMPLANT METHODS AND
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Examiner: Not Assigned

Group Art Unit: 3738

9/1/98

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37X1

SHAY, RANDY

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OFFICE OF THE
COMMISSIONER OF
PATENTS AND
TRADEMARKS

TRANSMITTAL

Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: Refund Section, Accounting Division Office of Finance

Dear Sir:

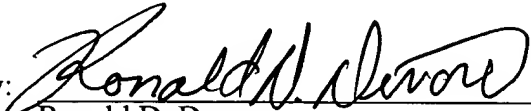
Enclosed please find the following:

1. Request for Refund (2 pages);
2. Copy of Verified Statement Claiming Small Entity;
3. Copy of Application Transmittal dated December 18, 1997 (2 pages);
4. Copy of a Transmittal for Notice to File Missing Parts dated June 22, 1998
(2 pages); and
5. Return Post Card.

The Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this transmittal, or to credit any overpayment, to Deposit Account No. 03-1952.

Respectfully submitted,

Dated: July 29, 1998

By: 
Ronald D. Devore
Registration No. 39,958

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Palo Alto, California 94304-1018
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